

Attorney Docket No: FOCA-001/01US

Express Mail No. EV 459984827 US

PATENT

Express Mail Label Number: EV 459984827 US

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 26, 2005.

By: Deborah Hagen

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Merrill

Serial No.: 10/620,212

Examiner: Manuel A. Mendez

Filed: July 15, 2003

Art Unit: 3763

Confirmation No. 7693

For: **AN ACTIVE SURFACE EXCHANGE CATHETER AND METHOD**

Commissioner for Patents  
Washington, D.C. 20231

### PETITION TO CORRECT INVENTORSHIP UNDER 37 CFR § 1.48(a)

Applicant respectfully requests a correction of inventorship of the above-identified application. It is requested that Brack Hattler and Derk Krieger be removed as inventors. The correct inventor for the above-identified application is **Thomas L. Merrill**.

This request is accompanied by:

1. Statement Of Lack Of Deceptive Intention from removed inventors Brack Hattler and Derk Kreiger,
2. Supplemental Declaration from actual inventor as required by § 1.63,
3. Written Consent of Assignor.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

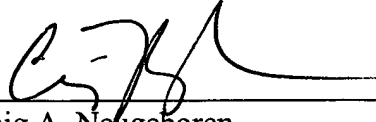
Dated: May 26, 2005

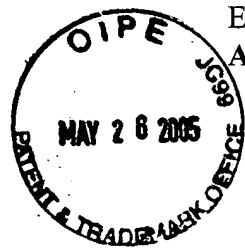
**COOLEY GODWARD LLP**  
Attn.: Patent Group  
One Freedom Square  
Reston Town Center  
11951 Freedom Drive  
Reston, VA 20190  
Telephone: (720) 566-4016  
Facsimile: (720) 566-4099

Respectfully submitted,

COOLEY GODWARD LLP

By:

  
\_\_\_\_\_  
Craig A. Neugeboren  
Reg. No. 39,314



Express Mail No. EV 459984844 US  
Attorney Docket No: FOCA-001/00US

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of Merrill

Confirmation No.: 7693

Serial No.: 10/620,212

Group Art Unit: 3763

Filed: July 15, 2003

Examiner: Manuel A. Mendez

For: **An Active Surface Exchange Catheter and Method**

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Commissioner for Patents  
Washington, D.C. 20231

**STATEMENT OF LACK OF DECEPTIVE INTENTION**

The undersigned, **Brack Hattler**, hereby declares and states that:

1. This Statement is in support of the accompanying request to correct inventorship under 37 CFR § 1.48(a).
2. The declaration previously filed on July 15, 2003 in connection with the above application incorrectly names myself as an inventor in light of the concurrently filed claim amendments. The inclusion of my name as an inventor is in error as it relates to the subject matter presently pending in the above application.
3. The error occurred without deceptive intention.

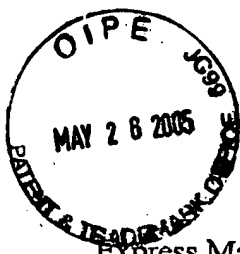
**Declaration**

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 5/1/05

A handwritten signature in black ink, appearing to read "Brack Hattler", written over a horizontal line.

**Brack Hattler**



Express Mail No. FOCA-001/01US  
Attorney Docket No: EV 459984827 US

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of Merrill et al.

Serial No.: 10/620,212

Examiner: Manuel A. Mendez

Filed: 7/15/2003

Art Unit: 3763

For: **An Active Mixing Exchange Catheter and Method**

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Commissioner for Patents  
Washington, D.C. 20231

**STATEMENT OF LACK OF DECEPTIVE INTENTION**

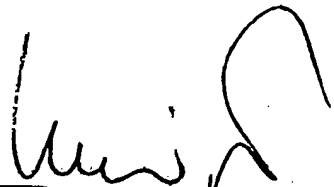
The undersigned, **Derk Krieger**, hereby declares and states that:

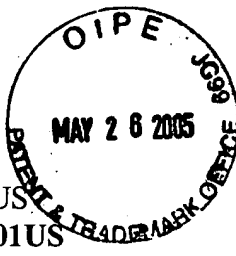
1. This Statement is in support of the accompanying request to correct inventorship under 37 CFR § 1.48(a).
2. The declaration previously filed on **7/15/2003** in connection with the above application incorrectly named myself as an inventor. Such omission was in error as it relates to the subject matter presently pending in the above application.
3. The error occurred without deceptive intention.

**Declaration**

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 12/14/2004

  
\_\_\_\_\_  
Derk Krieger



Express Mail No. EV 459984827 US  
Attorney Docket No, FOCA-001/01US

PATENT

### SUPPLEMENTAL DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

#### An Active Surface Exchange Catheter and Method

the specification of which:

(check one)

☐ is attached hereto;

☒ was filed as United States Application Serial No. 10/620,212 on July 15, 2003, and was amended on \_\_\_\_ (if applicable);

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information which is known to me to be material to the patentability of said invention in accordance with 37 C.F.R. §1.56;

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

60/395,842  
(Application Number)

July 15, 2002  
(Filing Date) (day, month, year)

\_\_\_\_\_  
(Application Number)

\_\_\_\_\_  
(Filing Date) (day, month, year)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full name of first inventor:** Thomas L. Merrill

Inventor's signature

*Thomas L. Merrill*

Date

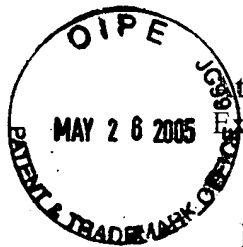
*5/23/05*

Residence: 25 Lynnfield Drive, E. Windsor, NJ, 08520

Citizen of: United States

Post Office Address: Same as residence





Attorney Docket No: ASDI-001/00US  
Express Mail No. EV 459984827 US

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of Merrill

Serial No.: 10/620,212

Examiner: Manuel A. Mendez

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For: **AN ACTIVE SURFACE EXCHANGE CATHETER AND METHOD**

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Washington, D.C. 20231

**WRITTEN CONSENT OF ASSIGNEE**

The undersigned assignee of the entire interest in the application for the Letters Patent identified above hereby consents to the removal of Brack Hattler and Derk Krieger as inventors.

Assignee's rights are evidenced by the attached assignment.

Mr. Thomas L. Merrill, signing on behalf of the assignee has the authority to act on behalf of the assignee.

Assignee: FocalCool LLC  
25 Lynnfield Drive  
East Windsor, NJ 08520

Signature: *Thomas L. Merrill*

Name: Thomas L. Merrill

Title: *CEO*

Date: *5/23/05*

234312 v1/CO

Attorney Docket No. FOCA-001/01US

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By: Deborah Hager

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of Merrill

Confirmation No.: 7693

Serial No.: 10/620,212

Group Art Unit: 3763

Filed: July 15, 2003

Examiner: Manuel A. Mendez

For: **AN ACTIVE SURFACE EXCHANGE CATHETER AND METHOD**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**POWER BY ASSIGNEE  
AND STATEMENT UNDER 37 C.F.R. §3.73(b)**

The Assignee of the entire right, title, and interest in the above-identified application hereby grants the registered practitioners of Cooley Godward LLP included in the Customer Number provided below power to act, prosecute, and transact all business in the U.S. Patent and Trademark Office in connection with this application, any applications claiming priority to this application, and any patents issuing therefrom.

The Assignee certifies that to the best of its knowledge and belief it is the owner of the entire right, title, and interest in and to the above-identified application as evidenced by:

☒ An assignment document, a copy of which is enclosed herewith;

☐ An assignment previously recorded in the U.S. Patent and Trademark Office at Reel \_\_, Frame \_\_.

Please direct all telephone calls and correspondence to:

Cooley Godward LLP  
ATTN: Patent Group  
One Freedom Square  
Reston Town Center  
11951 Freedom Drive  
Reston, VA 20190-5656  
Tel: (720) 566-4016  
Fax: (720) 566-4099

CUSTOMER NUMBER: **22903**

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the Assignee.

Date:

5/25/05

Signature:



Name:

Thomas L. Merrill

Title:

Company:

FocalCool LLC